



JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

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DOCKET NO. 1629

***BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION***

***IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS  
LIABILITY LITIGATION***

***(SEE ATTACHED SCHEDULE A)***

***ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER***

A conditional transfer order was filed in the 21 actions listed on the attached Schedule A on April 13, 2005. Prior to expiration of that order's fifteen-day stay of transmittal, plaintiffs in the 21 actions submitted a notice of opposition to the proposed transfer. Plaintiffs have now advised the Panel that they withdraw their initial opposition to transfer with respect to these 21 actions.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-6" filed on April 13, 2005, is LIFTED, and thus these 21 actions are transferred to the District of Massachusetts for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Patti B. Saris.

FOR THE PANEL:

Michael J. Beck  
Michael J. Beck  
Clerk of the Panel

**SCHEDULE A**

MDL-1629 — In re Neurontin Marketing, Sales Practices and Products Liability Litigation

Southern District of Alabama

*Darlene Owens, etc. v. Pfizer, Inc., et al.*, C.A. No. 1:04-768

District of New Jersey

*James H. Whitehouse, Sr., et al. v. Pfizer, Inc., et al.*, C.A. No. 2:04-6257

Northern District of New York

*Frank Vercillo, Jr. v. Pfizer, Inc., et al.*, C.A. No. 5:05-32

Southern District of New York

*Gary L. Lyman, etc., et al. v. Pfizer, Inc., et al.*, C.A. No. 1:04-6704

*Mark Minisquero, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:04-7297

*Nicole Justine James v. Pfizer, Inc., et al.*, C.A. No. 1:04-7374

*Jay DiGiacomo v. Pfizer, Inc., et al.*, C.A. No. 1:04-7962

*Avrill C. Aronson, etc. v. Pfizer, Inc., et al.*, C.A. No. 1:04-8721

*Joy Dodson, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:04-8963

*Timothy P. Scott, etc. v. Pfizer, Inc., et al.*, C.A. No. 1:04-8990

*Dorothy Kern v. Pfizer, Inc., et al.*, C.A. No. 1:04-9249

*John Dees, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:04-9304

*Peter Veraas v. Pfizer, Inc., et al.*, C.A. No. 1:04-9429

*Theodore Populis, et al. v. Pfizer, Inc., et al.*, C.A. No. 1:04-10265

*Kathleen Wilson, etc. v. Pfizer, Inc., et al.*, C.A. No. 1:05-72

*William Montgomery v. Pfizer, Inc., et al.*, C.A. No. 1:05-73

*Michael Mendoza v. Pfizer, Inc., et al.*, C.A. No. 1:05-74

*Johnnie Hargrove v. Pfizer, Inc., et al.*, C.A. No. 1:05-75

*Shanan Feyer, etc. v. Pfizer, Inc., et al.*, C.A. No. 1:05-76

*Gregory Retzer v. Pfizer, Inc., et al.*, C.A. No. 1:05-77

*Sidney Brown, etc. v. Pfizer, Inc., et al.*, C.A. No. 1:05-237

05cv 11020 PBS

ECF, LEAD

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:04-cv-06704-JSR**

Lyman v. Pfizer, Inc. et al  
Assigned to: Judge Jed S. Rakoff  
Related Cases: 1:04-cv-04593-RJH

Date Filed: 08/18/2004  
Jury Demand: Defendant  
Nature of Suit: 370 Fraud or  
Truth-In-Lending  
Jurisdiction: Federal Question

1:04-cv-04593-RJH  
1:05-cv-04161-JSR  
1:04-cv-08720-JSR  
1:04-cv-08963-JSR  
1:04-cv-08719-JSR  
1:04-cv-08990-JSR  
1:04-cv-09249-JSR  
1:04-cv-09429-JSR  
1:05-cv-00072-JSR  
1:05-cv-00073-JSR  
1:05-cv-00076-JSR  
1:05-cv-00077-JSR  
1:04-cv-08721-JSR  
1:05-cv-00237-JSR  
1:05-cv-04159-JSR  
1:05-cv-00237-JSR  
1:05-cv-04162-JSR  
1:05-cv-04163-JSR  
1:05-cv-04164-JSR  
1:05-cv-04166-JSR  
1:05-cv-04165-JSR  
1:05-cv-04167-JSR  
1:05-cv-04168-JSR  
1:05-cv-04169-JSR  
1:05-cv-04170-JSR  
1:05-cv-04171-JSR  
1:05-cv-04172-JSR  
1:05-cv-04173-JSR  
1:05-cv-04160-JSR

Case in other court: State Court-Supreme, 110696-04  
Cause: 28:1441 Notice of Removal

**Plaintiff**

**Gary L. Lyman**  
*as Personal Representative of the  
Estate of Joshua James Lyman,  
deceased*

represented by **Eleanor Louise Polimeni**  
Finkelstein & Partners, LLP  
436 Robinson Ave.  
Newburgh, NY 12550  
845-563-9421  
Fax: 845-562-3492  
Email: [epolimeni@lawampm.com](mailto:epolimeni@lawampm.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Consol Plaintiff**

**Mark Minisquero**

represented by **Eleanor Louise Polimeni**  
Finkelstein & Partners, LLP  
436 Robinson Avenue.  
Newburgh, NY 12550  
(845) 563-9421  
Fax: (845) 562-3492  
Email: [epolimeni@lawampm.com](mailto:epolimeni@lawampm.com)  
**ATTORNEY TO BE NOTICED**

**Consol Plaintiff**

**Nicole Justine James**

represented by **Andrew G. Finkelstein**  
Finkelstein & Partners, LLP  
436 Robinson Avenue  
Newburgh, NY 12550  
914-562-0203  
**ATTORNEY TO BE NOTICED**

**Consol Plaintiff**

**Stephen Brodsky**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Consol Plaintiff**

**Dan Huffman**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Consol Plaintiff**

**Jay DiGiacomo**

**Consol Plaintiff**

**Patti Paulsen**

represented by **Eleanor Louise Polimeni**  
Finkelstein & Partners, LLP

436 Robinson Avenue  
Newburgh, NY 12550  
845-563-9421  
Fax: 845-562-3492  
Email: epolimeni@lawampm.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Eva Potts**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Adam Sumait**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Eliza Sumait**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Jr. Manuel Sumait**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Matthew Sumait**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Mercelino Sumait**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Ramona Sumait**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Rosalia Sumait**

**Consol Plaintiff**

**Monica Smith**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Avrill C. Aronson**

represented by **Eleanor Louise Polimeni**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Joy Dodson**

represented by **Andrew G. Finkelstein**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Consol Plaintiff**

**Tammy Dodson**

represented by **Andrew G. Finkelstein**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Pfizer, Inc.**

represented by **James P. Rouhandeh**  
Davis Polk & Wardwell  
450 Lexington Avenue  
New York, NY 10017  
(212) 450-4000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Erik March Zissu**  
Davis Polk & Wardwell  
450 Lexington Avenue

New York, NY 10017  
 (212) 450-4511  
 Fax: 212 450-3511  
 Email: zissu@dpw.com  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Parke-Davis**  
*a division of Warner-Lambert  
 Company and Warner-Lambert  
 Company, LLC*

represented by **Erik March Zissu**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**James P. Rouhandeh**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Warner-Lambert Company**

represented by **Erik March Zissu**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**James P. Rouhandeh**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Waner-Lambert Company, LLC**  
*TERMINATED: 10/27/2004*

represented by **Erik March Zissu**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

**James P. Rouhandeh**  
 (See above for address)  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/18/2004	<u>1</u>	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 110696-04. (Filing Fee \$ 150.00, Receipt Number 517815).Document filed by Parke-Davis, Pfizer, Inc., Waner-Lambert Company, LLC, Warner-Lambert Company.(gf, ) Additional attachment(s) added on 8/19/2004 (gf, ). (Entered: 08/19/2004)
08/18/2004	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Parke-Davis, Pfizer, Inc., Waner-Lambert Company, LLC, Warner-Lambert Company.(gf, ) Additional attachment(s) added on 8/19/2004 (gf, ). (Entered: 08/19/2004)

08/18/2004		CASE REFERRED TO Judge Shira A. Scheindlin as possibly related to 1:04-cv-4593. (gf, ) (Entered: 08/19/2004)
08/18/2004		Case Designated ECF. (gf, ) (Entered: 08/19/2004)
08/23/2004	<u>3</u>	NOTICE of Appearance by Eleanor Louise Polimeni on behalf of Gary L. Lyman (Polimeni, Eleanor) (Entered: 08/23/2004)
09/17/2004	<u>4</u>	NOTICE of Appearance by Erik March Zissu on behalf of Pfizer, Inc., Waner-Lambert Company, LLC, Warner-Lambert Company (Zissu, Erik) (Entered: 09/17/2004)
09/20/2004		CASE ACCEPTED AS RELATED TO 1:04-cv-4593. Notice of Assignment to follow. (gf, ) (Entered: 09/29/2004)
09/20/2004	<u>6</u>	NOTICE OF CASE ASSIGNMENT to Judge Richard J. Holwell. Judge Unassigned no longer assigned to the case. (gf, ) (Entered: 09/29/2004)
09/20/2004		Magistrate Judge Douglas F. Eaton is so designated. (gf, ) (Entered: 09/29/2004)
09/27/2004	<u>5</u>	ORDER RE INITIAL PRETRIAL CONFERENCE: Initial Conference set for 11/19/2004 02:30 PM before Judge Unassigned. (Signed by Judge Richard J. Holwell on 9/22/04) (cd, ) (Entered: 09/27/2004)
09/29/2004		Mailed notice to the attorney(s) of record. (gf, ) (Entered: 09/29/2004)
10/05/2004	<u>7</u>	STIPULATION AND ORDER, defts shall have 30 days following the entry of an order ruling on the motion to remand to answer the complaint. (Signed by Judge Richard J. Holwell on 10/5/04) (cd, ) (Entered: 10/06/2004)
10/21/2004	<u>8</u>	ANSWER to Complaint with JURY DEMAND. Document filed by Parke-Davis, Pfizer, Inc., Waner-Lambert Company, LLC, Warner-Lambert Company.(Zissu, Erik) (Entered: 10/21/2004)
10/27/2004	<u>9</u>	ORDER The Court, on its own motion, hereby consolidates for all purposes all six cases, 04cv6704, 04cv7297, 04cv7374, 04cv7960, 04cv7961, and 04cv7962, which collectively shall henceforth be captioned "In re Neurontin" and bear the docket number of the first-filed case, to wit, 04 Civ. 6704 (JSR). So Ordered. (Signed by Judge Jed S. Rakoff on 10/26/04) (jco, ) (Entered: 10/28/2004)
10/29/2004	<u>10</u>	NOTICE OF CASE REASSIGNMENT to Judge Jed S. Rakoff. Judge Richard J. Holwell no longer assigned to the case. (gf, ) (Entered: 11/03/2004)
11/03/2004		Mailed notice to the attorney(s) of record. (gf, ) (Entered: 11/03/2004)
11/17/2004		Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 11/17/2004. (cd, ) (Entered: 12/01/2004)

12/06/2004	<u>11</u>	ORDER the Court, on its own motion, hereby consolidates these cases 04cv6704, 04cv8464, 04cv8719, 04cv8720, 04cv8721, and 04cv8963, with the earlier cases under the common caption of In re Neurontin, 04 civ. 6704 (JSR). Any party objection to the foregoing consolidation must so notify the Court, in writing, by no later than 12/13/04, in which case the Court will then convene a hearing to evaluate any such objection. Failure to raise any objection by December 13 will be deemed a waiver of any such objection. So Ordered. (signed by Judge Jed S. Rakoff on 12/6/04) (jco, ) (Entered: 12/07/2004)
01/27/2005	<u>12</u>	MOTION for Discovery <i>Letter Brief in In Re Neurontin re: scope of production, with affidavits of Cheryl Blume and Keith Altman attached.</i> Document filed by Gary L. Lyman. (Polimeni, Eleanor) (Entered: 01/27/2005)
02/03/2005	<u>13</u>	RESPONSE in Opposition re: <u>12</u> MOTION for Discovery <i>Letter Brief in In Re Neurontin re: scope of production, with affidavits of Cheryl Blume and Keith Altman attached..</i> Document filed by Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Waner-Lambert Company, LLC. (Zissu, Erik) (Entered: 02/03/2005)
02/07/2005		Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 2/7/2005. (kw, ) (Entered: 02/15/2005)
02/08/2005	<u>14</u>	PROTECTIVE ORDER regarding procedures to be followed that shall govern the handling of "confidential materials" (Signed by Judge Jed S. Rakoff on 2/2/05) (jco, ) (Entered: 02/10/2005)
02/22/2005	<u>15</u>	ORDER; granting <u>12</u> Motion for Discovery. (Signed by Judge Jed S. Rakoff on 2/20/05) (sac, ) (Entered: 02/23/2005)
04/07/2005		Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 4/7/2005. (jco, ) (Entered: 04/12/2005)
04/14/2005		Minute Entry for proceedings held before Judge Jed S. Rakoff : Status Conference held on 4/14/2005. (kw, ) (Entered: 04/22/2005)
04/15/2005	<u>16</u>	ORDER: all discovery is to be completed by 1/23/06. (See document for further related discovery schedule). Moving papers on any post-discovery motions must be served by 2/14/06, answering papers by 2/28/06, and reply papers by 3/7/06. A Final pre-trial conference, as well as oral argument on any such motions, will be held on 3/14/06 at 10:00 a.m. No further requests for extension of discovery will be entertained. (Signed by Judge Jed S. Rakoff on 4/15/05) (kw, ) (Entered: 04/18/2005)
04/15/2005		Minute Entry for proceedings held before Judge Jed S. Rakoff : Telephone Conference held on 4/15/2005. (pl, ) (Entered: 04/25/2005)
04/21/2005	<u>17</u>	BRIEF <i>motion to compel discovery in In Re Neurontin.</i> Document filed by Gary L. Lyman.(Polimeni, Eleanor) (Entered: 04/21/2005)

04/26/2005	<u>18</u>	ORDER; that dfts' proposed temporal boundary is modified and plaintiffs' motion granted, subject to some limitations. (Signed by Judge Jed S. Rakoff on 4/25/05) (pl, ) (Entered: 04/27/2005)
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